

Supplemental Report on the Use of Force by Seattle Police Officer James Lee

Date: November 21, 2011

Introduction

I was asked by Capt. Michael Dahl and Det. Sgt. Mike J. Marken of the WSP to evaluate Officer James Lee's actions as to whether or not his use of force was reasonable and necessary according to Seattle Police Department policy. Subsequent to submission of my initial opinion I was asked to review additional information by both prosecution and defense counsel.

Background Information

My opinions on the physical force applied to Suspect D'Vontaveous Hoston by Officer James Lee are based on my training in the area of police use of force, experience in teaching physical force concepts and tactics, and the materials listed below.

Additional Materials provided

On Friday November 8th I had a chance to review additional information provided by defendant's counsel Mr. Peter Offenbecher and Ted Buck. This opportunity provide me the access to Officer Lee's Use of Force report and in addition, the ability to review the video information (that I had previously reviewed) in a frame-by-frame mode; previously unavailable to me.

I was given access to the following materials to review in order to confirm or modify my previous opinions.

1. Video (2 views provided) from Joe's Market surveillance of confrontation between Officer J. Lee and suspect D'Vontaveous Hoston. I was also provided the ability to review on a frame-by-frame basis.
2. Officer Lee's Use of Force statement.

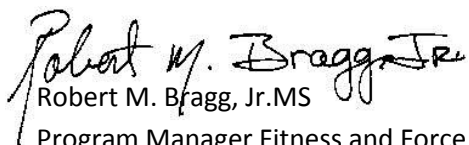
Additional Opinion

As a result of the additional information I have amended portions of my original opinion regarding the use of force by Officer James Lee. In short and using the additional evidence viewed in the light most favorable to Officer Lee, I now believe that the force in question, the third and final kick, used to control Suspect D'Vontaveous Hoston was reasonable and within the teachings of the Criminal Justice Training Commission (albeit not the best tactic available).

Explanation of opinions

While recognizing that the video is not a complete representation of the situation, the added did provide an improved analysis of the motion of both Officer Lee's body (in particular his leg) as well as the motion of D'Vontaveous Hoston's head. With the additional information I now believe that the kick was consistent with Lee's verbal direction (hands behind back) and that the kick to the head was not intentionally aimed at D'Vontaveous' head. I believe that the kick in fact contacted and glanced off of Hoston's shoulder prior to possibly contacting his head. Constitutional and State standards require reasonable force and do not require the officer to use the least intrusive amount of force, consequently I now believe that Officer Lee's use of force was not excessive nor did it fall outside of the training parameters utilized by the Criminal Justice Training Commission.

Opinions are subject to change as new or additional information is provided to me.

Handwritten signature of Robert M. Bragg, Jr. in black ink.

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